

**CHARGE:** 502 (a)—the labeling accompanying the article, when shipped, contained false and misleading representations that the article provided an adequate and effective treatment for arthritis, rheumatism, sinus conditions, nervous conditions, and other ailments where blood stimulation was indicated for the relief of pain, and for excruciating pain accompanying arthritis and rheumatism.

**DISPOSITION:** 3-1-56. Default—delivered to Food and Drug Administration.

#### DRUGS FOR VETERINARY USE\*

**5038. Veterinary drug preparations.** (F. D. C. No. 38904. S. Nos. 24-798/9 M.)

**QUANTITY:** 19 1-lb. cans of *Dr. David Roberts Rx No. 46* and 7 1-lb. cans of *Udder Rx No. 20* at Seattle, Wash.

**SHIPPED:** Between 3-22-55 and 8-30-55, from Waukesha, Wis., by Dr. David Roberts Veterinary Co.

**LABEL IN PART:** (Can) "Dr. David Roberts Rx No. 46 For Cows and Heifers at Freshening Time Active Ingredients Nux Vomica (Strychnine one grain in each ounce) Dandelion Root Burdock Root Ginger Root Carbolic Acid 1.2% Other Ingredients Anise Licorice Epsom Salts Sulphur Locust Bean Meal Salt Corn Starch Colombo Root" and "Udder Rx No. 20 An Adjuvant in the Treatment of Mastitis \* \* \* Active Ingredients: Nux Vomica (strychnine .23 grains in each ounce) Potassium Iodide, Poke Root, Iron Sulphate, Sulphur, Colombo Root, Cobalt sulphate. Inert ingredients: Calcium phosphate, Sodium bicarbonate. Enriched yeast products \* \* \* Prepared by Dr. David Roberts Veterinary Co. Waukesha, Wisconsin \* \* \* Mastitis Yields faster when Cobalt steps up the effectiveness of Antibiotic action."

**LIBELED:** On or about 1-13-56, W. Dist. Wash.

**CHARGE:** 502 (a)—the labels of the articles, when shipped, contained false and misleading representations that *Dr. David Roberts Rx No. 46* was an adequate and effective treatment for retained placenta; that *Udder Rx No. 20* was an adequate and effective treatment for mastitis, would help arrest inflammation and prevent suppuration, had antibiotic action, and would step up the effectiveness of antibiotics administered in conjunction with it.

**DISPOSITION:** 3-9-56. Default—destruction.

**5039. Master Liquid (2 seizure actions).** (F. D. C. Nos. 36149, 36150. S. Nos. 83-852/3 L.)

**QUANTITY:** 17 1-gal. jugs at Mineral Point, Wis., and 16 1-gal. jugs at Potosi, Wis.

**SHIPPED:** 9-3-53 and 9-11-53, from Omaha, Nebr., by Master Laboratories, Inc.

**LABEL IN PART:** (Jug) "Master Liquid \* \* \* Ingredients: Sodium Thio-Sulphate; Beechwood Creosote; Guaiacol; Powdered Extract of Licorice; Sodium Hydroxide 9%; Sodium Bicarbonate; Betanaphthol; Oil of Anise; Sodium Phenosulfonate; Solution of Potassium Arsenite, (Arsenic as Arsenous Oxide, 0.75%); Nicotinic Acid."

**ACCOMPANYING LABELING:** (17-jug lot) Letters addressed to "Dear Friend and Dealer" and "Dear Dealers."

**LIBELED:** On or about 12-7-53, W. Dist. Wis.

**CHARGE:** 502 (a)—(both lots) the following statements on the label of the article, when shipped, were misleading since they suggested and implied that

\*See also No. 5006.

the article was an effective remedy for diseases of swine, whereas it was not an effective remedy for such diseases: "Master Liquid For Old Hogs and Young Pigs \* \* \* Estimate the largest amount of whole oats your hogs will eat in one day. For every three bushels of whole oats to be fed, mix 1 pint of Master Liquid \* \* \* with 15 gallons of clean water \* \* \*. To this solution add the whole oats and mix well by stirring. \* \* \* Keep the prepared oats in feeding troughs at all times so hogs have free access to them. \* \* \* Follow this practice for the first two weeks. The Third Week: Feed prepared oats in the morning and give other feeds during the remainder of the day. The Fourth Week: The animals can be put back on regular rations and thereafter fed prepared oats two or three days each week. On these days allow no other feed or they can be fed the preparation every morning and other feed the remainder of the day." The representation on the label "Alkalizes Slops composed of Oats, Barley or Grain Mixtures" also was misleading since the labeling of the article failed to reveal the material fact, in the light of such representation, that, whether or not the article alkalized slops, such alkalization was of no value or importance.

502 (a)—(17-jug lot) the accompanying labeling contained false and misleading representations that the article was an adequate and effective treatment for "necro" of swine and conditions producing runty, unthrifty, and poor doing swine.

DISPOSITION: Master Laboratories, Inc., appeared as claimant in these cases and filed motions for their removal to the United States District Court for the District of Nebraska or the Southern District of Iowa. The Government filed a counter motion to consolidate these two cases and to transfer them to the Northern District of Iowa. Subsequently, the claimant filed an amended motion to consolidate the two actions pending in the Western District of Wisconsin; to consolidate these actions with 6 cases (already consolidated) which were pending in the Northern District of Iowa and to transfer the cases pending in the Northern District of Iowa to the Western District of Wisconsin; and to remove the case as finally consolidated to the Southern District of Iowa.

On 11-30-54, the court ordered the two cases pending in the Western District of Wisconsin to be consolidated for trial, denied the remainder of claimant's motion, and ordered the claimant to file an answer to the libel within 20 days. On 12-22-54, the claimant filed objections to the jurisdiction of the court and a demurrer to the libel on the grounds that it failed to state a cause of action against the article or the claimant.

The Government filed a motion for a default judgment or, in the alternative, for a summary judgment. The Government's motion for a summary judgment was granted on 1-17-56; and, on 1-31-56, the court entered an order condemning the product and ordering that it be destroyed.

5040. Sulfadine and Sulfa-Du. (F. D. C. No. 38992. S. Nos. 14-135/6 M.)

QUANTITY: 16 1-gal. btls. of *Sulfadine* and 1 1-gal. btl. of *Sulfa-Du* at Springdale, Ark.

SHIPPED: 4-14-53 and 12-2-54, from Dallas, Tex., by Hill Poultry Service.

LABEL IN PART: (Btl.) "Chemic Brand Farm Chemistry Associates Sulfadine (Solution of Sulfaguanidine Acid) Each 100 cc. contains 5 Gms. Sulfaguanidine" and "Chemic Brand Farm Chemistry Associates Sulfa-Du (hydrochloride of sulfathiazole) Each 100 cc. contains an equal of 4.5 grams of Sulfathiazole."

LIBELED: 3-15-56, W. Dist. Ark.